

**FIFTEENTH DAY**  
(Monday, February 6, 1995)

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brown, Cain, Ellis, Gallegos, Galloway, Haywood, Henderson, Leedom, Lucio, Luna, Madla, Moncrief, Montford, Nelson, Nixon, Patterson, Ratliff, Rosson, Shapiro, Sibley, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

Absent-excused: Harris, Sims.

A quorum was announced present.

**(Senator Truan in Chair)**

Ms. Evangelina Truan Ritzo of Glendora, California, sister of Senator Truan, offered the invocation as follows:

Our dear heavenly Father, we come to You in the name of Jesus this morning. Please bless all of our public officials meeting in this Senate chamber. Thank You for their lives and service to our state. Please bestow Your wisdom on them as they make important decisions for all the citizens of this great State of Texas. We thank You for our country and our forefathers who taught us to put our trust in You. Please, dear Lord, make us all aware You created us in Your image and we are nothing without You. Bless our state, country, and world leaders to also trust in You for world peace. We ask all in the name of Your son, Jesus. Amen.

**(President in Chair)**

On motion of Senator Truan and by unanimous consent, the reading of the Journal of the proceedings of Thursday, February 2, 1995, was dispensed with and the Journal was approved.

**LEAVES OF ABSENCE**

On motion of Senator Truan, Senator Harris was granted leave of absence for today on account of illness.

On motion of Senator Truan, Senator Sims was granted leave of absence for today on account of illness.

**CO-AUTHOR OF SENATE JOINT RESOLUTION 32**

On motion of Senator Brown and by unanimous consent, Senator Lucio will be shown as Co-author of **S.J.R. 32**.

**CO-AUTHORS OF SENATE BILL 94**

On motion of Senator Ellis and by unanimous consent, Senators Leedom and Montford will be shown as Co-authors of **S.B. 94**.

**CO-AUTHORS OF SENATE BILL 141**

On motion of Senator Ellis and by unanimous consent, Senators Luna, Shapiro, and West will be shown as Co-authors of **S.B. 141**.

**CO-AUTHOR OF SENATE BILL 182**

On motion of Senator Rosson and by unanimous consent, Senator Ellis will be shown as Co-author of **S.B. 182**.

**CO-AUTHORS OF SENATE BILL 246**

On motion of Senator Wentworth and by unanimous consent, Senators Armbrister, Luna, Madla, Moncrief, Patterson, and Turner will be shown as Co-authors of **S.B. 246**.

**CO-AUTHOR OF SENATE BILL 256**

On motion of Senator Rosson and by unanimous consent, Senator Montford will be shown as Co-author of **S.B. 256**.

**CO-AUTHOR OF SENATE BILL 302**

On motion of Senator Whitmire and by unanimous consent, Senator Shapiro will be shown as Co-author of **S.B. 302**.

**MESSAGE FROM THE HOUSE**

House Chamber  
February 6, 1995

Mr. President: I am directed by the House to inform the Senate that the House has passed the following:

**H.C.R. 7**, Designating February 6, 1995, as Port Arthur Day.

**S.C.R. 39**, Declaring February 5 through 11, 1995, as Burn Awareness Week.

Respectfully,  
Cynthia Gerhardt, Chief Clerk  
House of Representatives

**RESOLUTION SIGNED**

The President announced the signing of the following enrolled resolution in the presence of the Senate:

**H.C.R. 5****SENATE BILLS AND RESOLUTION ON FIRST READING**

The following bills and resolution were introduced, read first time, and referred to the committees indicated:

**S.C.R. 45** by Lucio, Truan, Zaffirini Education  
Directing the board of regents of The University of Texas System to conduct a study to assess the availability and suitability of existing

facilities for use in connection with the operation of health education programs.

**S.B. 415** by Leedom Economic Development  
Relating to damages that may be awarded against a county or precinct officer who inadvertently overcharges a person a fee.

**S.B. 416** by Montford Education  
Relating to permitting an independent school district to elect members to its board of trustees by cumulative or limited voting.

**S.B. 417** by Armbrister Economic Development  
Relating to a limitation of liability of a licensed installer or servicer of a liquefied petroleum gas system in a motor vehicle.

**S.B. 418** by Armbrister Natural Resources  
Relating to the management of the Edwards Aquifer and the powers and duties of the Edwards Underground Water District.

**S.B. 419** by Armbrister Economic Development  
Relating to delinquency charges in retail charge agreements.

**S.B. 420** by Barrientos State Affairs  
Relating to the issuance of special license plates to justices of the peace and municipal court judges.

**S.B. 421** by Wentworth Intergovernmental Relations  
Relating to the transfer of extraterritorial jurisdiction between certain municipalities.

**S.B. 422** by Shapiro Finance  
Relating to the authority of a municipality to receive sales and use tax information from the comptroller.

**S.B. 423** by Bivins State Affairs  
Relating to the use of certain electronic banking machines at a pari-mutuel racetrack.

**S.B. 424** by Madla Natural Resources  
Relating to the payment in periodic installments of certain penalties owed by certain businesses for violations of law under the jurisdiction of the Texas Natural Resource Conservation Commission.

**S.B. 425** by Madla Natural Resources  
Relating to municipal solid waste disposal fees.

**S.B. 426** by Madla Natural Resources  
Relating to the identification of origin of municipal, industrial, or hazardous waste accepted for disposal.

**S.B. 427** by Madla Natural Resources  
Relating to shredding requirements for reimbursement under the waste tire recycling program.

**S.B. 428** by Galloway Finance  
Relating to the exemption from ad valorem taxation of property owned by certain charitable organizations.

- S.B. 429** by Patterson Education  
Relating to the inclusion of Social Security taxes paid by a school district in funding formulas under the foundation school program.
- S.B. 430** by Harris Economic Development  
Relating to the selection of health care providers.
- S.B. 431** by Madla Intergovernmental Relations  
Relating to the punishment for certain criminal offenses committed on the premises of a public transportation system and the prohibition of consumption of alcoholic beverages on the property of certain metropolitan transit authorities.
- S.B. 432** by Truan Natural Resources  
Relating to the validation of acts and proceedings of certain counties regarding solid waste disposal.
- S.B. 433** by Ellis Intergovernmental Relations  
Relating to the authority of a county to establish a juvenile curfew in all areas of the county; providing a penalty.
- S.B. 434** by West Health and Human Services  
Relating to the appellate process for applicants and recipients of certain state-administered assistance programs.
- S.B. 435** by Ellis State Affairs  
Relating to written communications used by voters in a polling place.
- S.B. 436** by Montford Health and Human Services  
Relating to the regulation of certain facilities that advertise the provision of special care for patients with Alzheimer's disease.
- S.B. 437** by Madla, Lucio State Affairs  
Relating to requiring a county to report to the comptroller on its expenditure of funds required to be used for highways.
- S.B. 438** by Madla, Lucio, State Affairs  
Truan, Zaffirini  
Relating to the operation of overweight vehicles on highways; providing criminal penalties.
- S.B. 439** by Wentworth Finance  
Relating to the additional sales tax for ad valorem property tax relief.
- S.B. 440** by Montford, Shapiro Criminal Justice  
Relating to procedures for applying for a writ of habeas corpus by persons convicted of a felony and procedures for the compensation and appointment of counsel to represent certain persons charged with a capital felony.
- S.B. 441** by Sims State Affairs  
Relating to the regulation of geologists and geophysicists; providing a civil and criminal penalty.

- S.B. 442** by Sims State Affairs  
Relating to appointment and duties of agents and special agents of the Texas Alcoholic Beverage Commission.
- S.B. 443** by Sims State Affairs  
Relating to designation of portions of Farm-to-Market Roads 503 and 1929 as the Ray C. Stoker, Jr., Highway.
- S.B. 444** by Sims State Affairs  
Relating to daylight saving time.
- S.B. 446** by Luna Education  
Relating to the courses required in a degree program operated by a higher education medical or dental unit under contract with the United States Army.
- S.B. 447** by Montford Criminal Justice  
Relating to the testimony of an accomplice in a criminal proceeding.
- S.B. 448** by Montford Criminal Justice  
Relating to the prosecution of and punishment for certain sexual offenses.
- S.B. 449** by Montford Intergovernmental Relations  
Relating to membership in, contributions to, and administration of local retirement systems for fire fighters.
- S.B. 450** by Rosson Intergovernmental Relations  
Relating to regional water and wastewater planning for the County of El Paso.
- S.B. 451** by Rosson Economic Development  
Relating to the regulation of businesses conducting currency exchange or transmission.
- S.B. 452** by Rosson State Affairs  
Relating to powers and duties of the Texas Ethics Commission, to powers and duties of persons acting under certain laws administered by the commission, and to the registration of persons who represent inmates for compensation.
- S.B. 453** by Brown Criminal Justice  
Relating to the use as collateral of certificates of deposit by an applicant for a license as a bail bondsman.
- S.B. 454** by Brown Criminal Justice  
Relating to certain application requirements for a bail bondsman license.
- S.B. 455** by Lucio, Truan, Zaffirini Education  
Relating to the establishment and operation of a regional academic health center as part of The University of Texas Health Science Center at San Antonio.
- S.B. 456** by Lucio Education  
Relating to the registration of certain structures located on coastal public land.

**S.B. 457** by Lucio Economic Development  
Relating to inspection of certain buildings in certain coastal counties.

**S.B. 458** by Lucio Finance  
Relating to an exemption from the gas production tax for certain high-cost gas.

**S.B. 459** by Lucio Economic Development  
Relating to dedicating interest earned on trust accounts of title insurance companies to the housing trust fund.

**S.B. 460** by Lucio State Affairs  
Relating to license qualifications for certain inspectors regulated by the Texas Real Estate Commission.

**S.B. 461** by Ellis, Rosson, Luna State Affairs  
Relating to rule-making authority under the state's program to assist historically underutilized businesses to transact business with the state.

**S.B. 462** by Ellis, Rosson, Luna Intergovernmental Relations  
Relating to allowing a political subdivision to create a program to assist historically underutilized businesses.

**S.B. 463** by Ellis, Rosson, Luna State Affairs  
Relating to the use of historically underutilized businesses as subcontractors on state purchasing contracts.

**S.B. 464** by Ellis, Rosson, Luna State Affairs  
Relating to exempting from disclosure under the open records law information that is submitted by a business for purposes of becoming certified as a disadvantaged or historically underutilized business.

**S.B. 465** by Ellis, Rosson, Luna State Affairs  
Relating to the definition of a historically underutilized business in the enabling law of the General Services Commission.

**(Senator Truan in Chair)**

#### **CAPITOL PHYSICIAN**

Senator Armbrister was recognized and presented Dr. Stephen Smith of Fulton as the "Doctor for the Day." Dr. Smith was accompanied by his son, Gabriel.

The Senate welcomed Dr. Smith and his son and thanked Dr. Smith for his participation in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians.

#### **GUEST PRESENTED**

The Presiding Officer introduced to the Senate former Congressman Robert C. Eckhardt.

The Senate welcomed Congressman Eckhardt.

**(President in Chair)**

**SENATE RESOLUTION 149**

Senator West offered the following resolution:

WHEREAS, The Senate of the State of Texas proudly joins citizens throughout the country in recognizing the month of February, 1995, as Black History Month; and

WHEREAS, Carter Godwin Woodson, "the father of Black history," and the Association for the Study of Afro-American Life and History originally designated a week in February as Black History Week; this observance was extended, however, when in 1976, President Jimmy Carter proclaimed February as Black History Month; and

WHEREAS, It is appropriate that our nation pay tribute to all our ethnic groups who have strengthened our country; and

WHEREAS, People from all over the world have settled in the United States of America, bringing with them invaluable pieces of their own heritage and time-honored traditions; and

WHEREAS, The outstanding accomplishments of men and women from Black cultures are legendary throughout our history, and they have contributed in countless ways to our country's enrichment; and

WHEREAS, Black History Month provides American citizens an opportunity to express appreciation to the Black men and women who have made innumerable contributions to our society and to the many talented Black leaders who have inspired Americans to reaffirm their commitment to equal justice and opportunity for all; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 74th Legislature, hereby laud the observance of Black History Month and encourage citizens across the state to celebrate this nation's African-American heritage; and, be it further

RESOLVED, That a copy of this Resolution be prepared in honor of Black History Month.

The resolution was read.

On motion of Senator Truan and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator West, the resolution was adopted by a viva voce vote.

**SENATE RESOLUTION 157**

Senator Barrientos offered the following resolution:

WHEREAS, The Senate of the State of Texas takes great pleasure in welcoming the Tibetan monks from the Drepung Loseling Monastery in India who are visiting the City of Austin the week of February 4 through February 10, 1995; and

WHEREAS, During their historic visit the monks will perform a ceremony on February 6 on the south steps of the Capitol to bless the newly restored Capitol Building and to pray for world harmony; and

WHEREAS, While in Austin the monks will also perform "Sacred Music Sacred Dance for World Healing" at Bass Concert Hall, create a Sand Mandala Art Exhibit for environmental purification, bless Barton Springs at a ceremony for environmental healing, and offer lectures on Tibetan culture; and

WHEREAS, The ten Tibetan monks are visiting the United States to raise awareness among Americans of the importance of Tibetan culture and its people; and

WHEREAS, Tibetan monks in India have rebuilt their ancient schools of learning, including the Drepung Loseling Monastery where some 2,200 students are educated in the Tibetan language, history, and culture; and

WHEREAS, President George Bush signed the Immigration Act of 1990 which allowed 1,000 Tibetans to immigrate to the United States; 16 Tibetans now live and work in Austin as a result of the humanitarian efforts of the Tibetan Resettlement Project, which is hosting the visiting monks during their stay in the Capital City; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 74th Legislature, hereby declare the week of February 4 through February 10 as Tibetan Awareness Week in Austin in celebration of the culture and history of the Tibetan people; and, be it further

RESOLVED, That a copy of this Resolution be prepared for this distinguished group of monks from the Drepung Loseling Monastery as an expression of the appreciation and respect of the Texas Senate.

BARRIENTOS  
TRUAN

The resolution was read.

On motion of Senator Truan and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Barrientos, the resolution was adopted by a viva voce vote.

#### **GUESTS PRESENTED**

Senator Barrientos, joined by Senator Truan, was recognized and introduced to the Senate guests from the Drepung Loseling Monastery in India.

The Senate welcomed its distinguished guests.

(Senator Leedom in Chair)

#### **HOUSE CONCURRENT RESOLUTION 7**

The Presiding Officer laid before the Senate the following resolution:

H.C.R. 7, Declaring February 6, 1995, as Port Arthur Day.

GALLOWAY

The resolution was read.



On motion of Senator Galloway and by unanimous consent, the resolution was considered immediately and was adopted by a viva voce vote.

**(President in Chair)**

**GUESTS PRESENTED**

Senator Galloway was recognized and introduced to the Senate Port Arthur Day Chair Tom Neal, Port Arthur Chamber of Commerce Chair Steve Hale, Dr. Michael Robertson, and the Reverend Neil Lindley, here today in honor of Port Arthur Day.

The Senate welcomed its guests.

**(Senator Truan in Chair)**

**MESSAGE FROM THE GOVERNOR**

The following Message from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas  
February 6, 1995

TO THE SENATE OF THE SEVENTY-FOURTH LEGISLATURE,  
REGULAR SESSION:

On February 2, I submitted the name of Dr. John H. Park, Jr., of Euless, Texas, for appointment to the STATE BOARD OF DENTAL EXAMINERS for a term to expire February 1, 2001.

I hereby withdraw Dr. Park's nomination for this board and request that the Senate return this appointment to me.

Respectfully submitted,  
/s/ George W. Bush  
Governor of Texas

**(President in Chair)**

**NOMINATION RETURNED**

On motion of Senator Bivins and by unanimous consent, the Senate agreed to grant the request to return to the Governor the nomination of Dr. John H. Park, Jr., of Euless, Texas, to be a Member of the State Board of Dental Examiners.

**MESSAGE FROM THE GOVERNOR**

The following Message from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas  
February 6, 1995

TO THE SENATE OF THE SEVENTY-FOURTH LEGISLATURE,  
REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

TO BE A MEMBER OF THE PUBLIC UTILITY COMMISSION OF TEXAS for a term to expire September 1, 1995:

PATRICK HENRY WOOD III  
6000 Shepherd Mountain Cove #311  
Austin, Texas 78730

Mr. Wood will be filling the unexpired term of Karl R. Rabago of Austin, who resigned.

TO BE A MEMBER OF THE STATE BOARD OF DENTAL EXAMINERS for a term to expire February 1, 2001:

DAVID O. OLSON, D.D.S.  
180 Tiger Lily  
Bridge City, Texas 77611

Dr. Olson is being appointed pursuant to S.B. 18, 74th Legislature, Regular Session, and will be replacing John H. Park, Jr., D.D.S., whose name is being withdrawn.

Respectfully submitted,

/s/George W. Bush  
Governor of Texas

#### **ESCORT COMMITTEE APPOINTED**

In accordance with the provisions of S.C.R. 32, the President announced the appointment of the following as a Committee to Escort Governor George W. Bush to the Joint Session: Senators Leedom, Chair; Brown, Henderson, Ratliff, Bivins, and Sibley.

#### **CONCLUSION OF MORNING CALL**

The President at 11:26 a.m. announced the conclusion of morning call.

#### **SENATE BILL 221 ON SECOND READING**

Senator Zaffirini moved that the regular order of business, Senate Rule 7.13, and Section 5 of Article III of the State Constitution be suspended and that S.B. 221 be taken up for consideration at this time:

S.B. 221, Relating to the waiver of tuition and fees for teachers attending federally funded teacher enhancement programs.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Harris, Sims.

The bill was read second time.

Senator Zaffirini offered the following amendment to the bill:

#### **Floor Amendment No. 1**

Amend S.B. 221 by striking all below the enacting clause and substituting the following:

SECTION 1. Subchapter D, Chapter 54, Education Code is amended by adding Section 54.212 to read as follows:

Sec. 54.212. STUDENTS ENROLLED IN FULLY FUNDED COURSES. The governing board of an institution of higher education may waive tuition and fees for students attending courses that are fully funded by federal or other sources.

SECTION 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was read and was adopted by a viva voce vote.

The bill as amended was passed to engrossment by a viva voce vote.

#### **SENATE BILL 221 ON THIRD READING**

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 221** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Harris, Sims.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

#### **SENATE RULE 11.11 SUSPENDED (Posting Rule)**

On motion of Senator Bivins and by unanimous consent, Senate Rule 11.11 was suspended in order that the Committee on Nominations might consider today the appointment of Dr. David O. Olson to be a Member of the State Board of Dental Examiners.

#### **GUEST PRESENTED**

The President introduced to the Senate John Ross Montford, son of Senator Montford.

The Senate welcomed its guest.

#### **ANNOUNCEMENT**

Senator Moncrief was recognized and announced to the Senate that today is Senator Turner's birthday.

The Senate extended birthday greetings to Senator Turner.

#### **MEMORIAL RESOLUTIONS**

**S.R. 145** - By Montford: In memory of Fay David Holt of Idalou.

**S.R. 146** - By Montford: In memory of Frank McGlaun of Lubbock.

**S.R. 147** - By Montford: In memory of Thomas Sams Bishop of Austin.

**S.R. 148** - By Montford: In memory of Dwain E. Leonard of Big Spring.

#### **CONGRATULATORY RESOLUTIONS**

**S.C.R. 44** - By Ellis: Commending Hugh Powers for his many contributions to the *Houston Chronicle*.

**S.R. 144** - By Moncrief: Congratulating Louie W. Nash III of Arlington on achieving the rank of Eagle Scout.

**S.R. 151** - By Ellis: Commending the service of Susan Hopkins to Communities in Schools.

**S.R. 152** - By Ellis: Commending Alice L. Brown of the NAACP Legal Defense and Education Fund for her work in the fight for justice, equality, and peace.

**S.R. 153** - By Ellis, West: Recognizing the Honorable Chris V. Semos of Dallas County for his many years of public service.

**S.R. 154** - By Sibley: Congratulating President Herbert H. Reynolds of Baylor University on his accomplishments.

**S.R. 158** - By Barrientos: Congratulating Mr. and Mrs. Robert Leach of Austin on the occasion of their 50th wedding anniversary.

**S.R. 159** - By Barrientos: Commending Robert G. Farris of Harlingen for his contributions to his city and state.

**S.R. 160** - By Sims: Recognizing Don C. King of Fort Worth on the occasion of his retirement from the Texas and Southwestern Cattle Raisers Association.

#### **ADJOURNMENT**

On motion of Senator Truan, the Senate at 11:32 a.m. adjourned until 10:30 a.m. tomorrow.

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#### **APPENDIX**

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#### **REPORTS OF STANDING COMMITTEE**

The following committee reports were received by the Secretary of the Senate:

February 6, 1995

STATE AFFAIRS — **S.B. 91, S.B. 304, S.B. 318, C.S.S.B. 189, C.S.S.B. 209**

**SIGNED BY GOVERNOR**

(February 3, 1995)

S.C.R. 8	S.C.R. 14
S.C.R. 10	H.C.R. 1
S.C.R. 11	H.C.R. 21
S.C.R. 12	H.C.R. 36

**SENT TO GOVERNOR**

(February 6, 1995)

**S.C.R. 21****S.C.R. 36****SIGNED BY GOVERNOR**

(February 6, 1995)

**S.B. 18** (Effective immediately)**SIXTEENTH DAY**

(Tuesday, February 7, 1995)

The Senate met at 10:30 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brown, Cain, Ellis, Gallegos, Galloway, Haywood, Henderson, Leedom, Lucio, Luna, Madla, Moncrief, Montford, Nelson, Nixon, Patterson, Ratliff, Rosson, Shapiro, Sibley, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

Absent-excused: Harris, Sims.

A quorum was announced present.

The Reverend Dan Davis, St. Matthew's Episcopal Church, Austin, offered the invocation as follows:

Father, I pray for these men and women. You know how much they need it. They are facing problems that are far too immense for them to handle alone. They are not smart enough, nor do they have the capacity. I ask that You would do miracles for them! I hold before You the problems in their individual lives that are beyond their capacity. I ask that You would meet them in their disappointments, in their failures, and in their broken hearts. I